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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 RAMÓN CARILLO ALEJO,

9 Petitioner,

10 v.

11 JAMES R. KEY,

12 Respondent.

CASE NO. C17-0610-RSM-MAT

REPORT AND RECOMMENDATION

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14 This is a federal habeas action brought under 28 U.S.C. § 2254. Petitioner submitted his  
15 petition for writ of habeas corpus to the Court for filing on April 18, 2017, together with an  
16 application to proceed with this action *in forma pauperis*. (See Dkt. 1.) Petitioner indicates in his  
17 *in forma pauperis* application that he receives a net monthly salary of \$80.00 from his prison job.  
18 (*Id.*) In addition, petitioner's inmate trust account statement reflects an average spendable balance  
19 of \$43.29. (See Dkt. 1-3.) It therefore appears that petitioner has sufficient funds to pay the \$5  
20 filing fee required in a federal habeas action.

21 Accordingly, this Court recommends that petitioner's application to proceed *in forma*  
22 *pauperis* (Dkt. 1) be DENIED. This action should proceed only if petitioner pays the \$5.00 filing  
23 fee within ***thirty (30) days*** after entry of the Court's Order adopting this Report and

1 Recommendation. If no filing fee is paid within thirty days of the Court's Order, the Clerk should  
2 close the file.

3       Objections to this Report and Recommendation, if any, should be filed with the Clerk and  
4 served upon all parties to this suit within **twenty-one (21) days** of the date on which this Report  
5 and Recommendation is signed. Failure to file objections within the specified time may affect  
6 your right to appeal. Objections should be noted for consideration on the District Judge's motions  
7 calendar for the third Friday after they are filed. Responses to objections may be filed within  
8 **fourteen (14) days** after service of objections. If no timely objections are filed, the matter will be  
9 ready for consideration by the District Judge on **June 2, 2017**.

10       DATED this 9th day of May, 2017.

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13       Mary Alice Theiler  
14       United States Magistrate Judge  
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